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MAY 19, 2014

**VIA CERTIFIED MAIL**

U.S. Citizenship & Immigration Services  
Vermont Service Center  
U-VISA UNIT  
75 Lower Welden Street  
St. Albans, VT 05479

**Re: Petition for U-Nonimmigrant Status (Form I-918) with Form I-918 Supplement B, Form I-918, Supplement A, and Applications for Advance Permission to Enter as Nonimmigrant (Form I-192) with Fee Waiver**

**Principal Applicant:** \*\*\*\*\*  
**Date of Birth:** \*\*\*  
**Derivative Applicant:** \*\*\*  
**Date of Birth:** \*\*\*

Dear Sir or Madam:

As evidenced by the enclosed Form G-28, my office represents Ms. \*\*\* ("Ms. \*\*\*\*\*") in her immigration matters. Ms. \*\*\*\*\* is filing a Form I-918 Petition for U Nonimmigrant Status under the Victims of Trafficking and Violence Prevention Act. Enclosed please find evidence to support that she has suffered substantial physical, mental and emotional abuse as the result of having been the victim of domestic violence; that she possesses information concerning the crime; that she has been helpful to the law enforcement agency investigating the crime; and that the criminal activity occurred in the United States.

Enclosed for filing please find the following documents in support of the application for U nonimmigrant status:

1. Form G-28, Notice of Entry of Appearance of Attorney signed by Applicant;
2. Form I-912, fee waiver request for Forms I-192, biometrics, and Form I-765 (for derivative applicant), with supporting documentation;
3. Form I-918, signed by Applicant;
4. Form I-918 Supplement B, signed by Chief Deputy District

- Attorney Karen Guidotti, dated December 19, 2013;
5. Form I-192, signed by Applicant;
  6. Form I-918, Supplement A, signed by Applicant and Derivative Applicant;
  7. Form I-192, signed by Derivative Applicant;
  8. Form I-765 for Derivative Applicant with two (2) passport-style photographs; and
  9. Exhibit List and Exhibits in Support of U-Visa Application.

#### Ms. \*\*\*\*'s Eligibility for a U Visa

Ms. \*\*\*\* meets the requirements for a U visa set forth in section 101(a)(15)(U) of the Immigration and Nationality Act (“INA” or “Act”) because she is the direct victim of a qualifying crime. As Ms. \*\*\*\* explains in great detail in her declaration, she was the victim of domestic violence, which occurred throughout the duration of her previous three relationships, but reached its climax in 2004 when she was strangled by her ex-boyfriend, Mr. Armando \*\*\*\*. See Exhibit (“Exh.”) A (Declaration of Ms. \*\*\*\*). Ms. \*\*\*\*’ ex-boyfriends dominated and controlled her by employing various forms of psychological, emotional, and physical abuse. Id. She was physically harmed and frequently afraid, as well as forced to feel like she was “nothing” and insignificant during her prior relationships. Id.

Until an incident in 2004, when Ms. \*\*\*\* was viciously strangled by her ex-boyfriend, Ms. \*\*\*\* suffered her abuse in silence. She was too afraid to report her abusers to the police because she feared for her safety. Exh. A. However, in an attempt to end the cycle of escalating abuse and violence inflicted by her ex-boyfriend, Armando \*\*\*\*, she finally grew the courage to report her abuse to the police. Id.; See also I-918 Supplement B, U Nonimmigrant Status Certification. Mr. \*\*\*\* was arrested by the East Palo Alto Police Department for inflicting corporal injury upon Ms. \*\*\*\*. Exh. L (East Palo Alto Police Report, \*\*\*); Exh. M (Criminal Docket Sheet for Mr. Armando \*\*\*\*). To this day, Ms. \*\*\*\* suffers from overwhelming feelings of fear and mistrust, although she is now in a stable and healthy relationship with her husband of 6 years. Exh. A; Exh. C (Declaration of Mr. \*\*\*\*); Exh. D (Marriage Certificate of Ms. \*\*\*\* and Mr. \*\*\*\*); Exh. P (Psychological Evaluation of \*\*\*\* \*\*\*\*, dated November 5, 2013).

#### I. Ms. \*\*\*\* Qualifies as a Direct Victim

Pursuant to 8 C.F.R. § 214.14(a)(14), a direct victim is defined as “an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.” Ms. \*\*\*\* suffered direct harm as a result of the physical and mental abuse she suffered from her ex-boyfriend. Exh. A; Exh. P; Exh. O (Copies of therapy appointment receipts); Exh. P (Copy of prescription for anti-depressant); Exh. Q (Questionnaire for Battered Women).

#### II. Ms. \*\*\*\* Was the Direct Victim of a Qualifying Crime

The list of qualifying crimes in the statute and federal regulations includes a domestic violence offense that is in violation of a Federal, State or local criminal law of the United States. INA § 101(a)(15)(U)(iii); 8 C.F.R. § 214.14(a)(9). As reflected in the Form I-918 Supplement B, U Nonimmigrant Status Certification, Chief Deputy District Attorney Karen Guidotti certified that Ms. \*\*\*\* was the victim of criminal activity involving domestic violence. See also Exh. L (East Palo Alto Police Report, \*\*\*) ; Exh. M (Criminal Docket Sheet for Mr. Armando \*\*\*\*). As domestic violence is listed among the qualifying crimes in the statute and regulations, Ms. \*\*\*\* was the direct victim of a qualifying crime. INA § 101(a)(15)(U)(iii); 8 C.F.R. § 214.14(a)(9).

Lastly, the qualifying criminal activity took place in East Palo Alto, California and, therefore, the eligibility requirement that the activity had to have occurred in the United States has been satisfied. 8 C.F.R. § 214.14(b)(4).

III. Ms. \*\*\*\* Possessed Information Concerning the Criminal Activity and Was Helpful in its Investigation and Prosecution.

To qualify for a U visa, the direct victim must have possessed information concerning the criminal activity and have been helpful to a certifying agency in the investigation or prosecution of the qualifying criminal activity upon which his or her petition is based. INA § 101(a)(15)(U)(i)(II)-(III); 8 C.F.R. § 214.14(b)(2)-(3). The law enforcement certification (Form I-918, Supplement B), signed by Chief Deputy District Attorney Karen Guidotti, confirms that Ms. \*\*\*\* possessed information concerning the criminal activity and was helpful in the investigation. See Form I-918, Supplement B; see also 8 C.F.R. § 214.14(a)(12).

Furthermore, in her sworn declaration, Ms. \*\*\*\* describes that she assisted the East Palo Alto Police Department immediately following the incident,

...the police knocked on the door and two police officers entered our apartment...At first I did not feel comfortable talking to the male police officers, but then a female police officer came and I told her what happened...

Exh. A.

In the East Palo Alto Police Department's Incident Report, Sergeant Alma Zamora explains a similar incident in which Ms. \*\*\*\* was initially hesitant to speak to officers, but then provided a statement that was recorded by Officer Joel Contreras. Exh. L. Ms. \*\*\*\* fully cooperated, to the best of her ability, with officers at the scene of the crime, providing the details she could to help in the investigation of the crime of which her petition is based. Exh. L; Exh. A; Form I-918, Supplement B. Ms. \*\*\*\* remains willing to assist law enforcement.

IV. Ms. \*\*\*\* Suffered from Substantial Abuse

The victim must also have suffered substantial physical or mental abuse because of the qualifying criminal activity. INA § 101(a)(15)(U)(i)(I); 8 C.F.R. § 214.14(b)(1). “Physical or mental abuse means injury or harm to the victim’s physical person, or harm to or impairment of the emotional or psychological soundness of the victim.” 8 C.F.R. § 214.14(a)(8). “Whether abuse is substantial is based on a number of factors, including but not limited to: The nature of the injury inflicted or suffered; the severity of the perpetrator’s conduct; the severity of the harm suffered; the duration of the infliction of the harm; and the extent to which there is permanent or serious harm to the appearance, health, or physical or mental soundness of the victim, including aggravation of pre-existing conditions.” 8 C.F.R. § 214.14(b)(1).

When Ms. \*\*\*\* was 14 years old, she entered into a relationship with \*\*\*\*, the father of her eldest son. Exh. A. He was 18 years old. Id. Ms. \*\*\*\* fell quickly in love with Mr. \*\*\*\*, and eventually, dropped-out of school so she could move in with him. Id. She discovered she was pregnant with her first child, Guillermo, in mid-1992, when Ms. \*\*\*\* was only 14 years old. Id. Shortly thereafter, Mr. \*\*\*\* began abusing Ms. \*\*\*\*. He was physically violent and verbally abusive throughout the duration of their relationship, even while Ms. \*\*\*\* was pregnant with their child. As she explains in her declaration,

...[Jose] began abusing me after I became pregnant with \*\*\*\*. He would get drunk and beat me. He would beat me approximately every week. He would beat me with his hands all over my body. I would try to protect my stomach because I was pregnant. One time he beat me to the point that blood came out of my ear. He called me bad names. He treated me very badly...

Id.

After enduring years of abuse, Ms. \*\*\*\* finally grew the courage to end her relationship with Mr. \*\*\*\*. Exh. A. She took her son and moved in with her mother. Id.

While living with her mother, Ms. \*\*\*\* met \*\*\*\*, the father of two of her children. Exh. A. They moved in together shortly after they began dating, as Ms. \*\*\*\* discovered she with pregnant with his child. Id. Ms. \*\*\*\* believed she was in a monogamous and committed relationship with Mr. \*\*\*\*, but she later discovered that he was unfaithful throughout the duration of their relationship. Id. She recalls an incident when Mr. \*\*\*\* returned to their home with hickeys on his neck. Id. When she confronted him, Mr. \*\*\*\* decided to end their relationship. Id. He abandoned Ms. \*\*\*\* and their two young children, but not before taking all their shared property and leaving Ms. \*\*\*\* with nothing. Id. Mr. \*\*\*\* abused Ms. \*\*\*\*’ love and trust, which, to this day, continues to affect her deeply. Id.

After her relationship with Mr. \*\*\*\* ended, Ms. \*\*\*\* took her children and moved back into her mother’s apartment. Exh. A. In 2003, Ms. \*\*\*\* met Mr. Armando \*\*\*\*, who lived in the same apartment building as she did. Id. At first, Ms. \*\*\*\* was happy with Mr. \*\*\*\*. Id. He appeared to be a very kind man, and seemed to genuinely

care for Ms. \*\*\*\*'s children. Id. However, their relationship took a dramatic turn for the worse after Mr. \*\*\*\*'s relatives moved in with him and Ms. \*\*\*\*. Id. Mr. \*\*\*\*'s became very controlling and physically abusive. He controlled their finances, leaving Ms. \*\*\*\* with barely enough to support her children, although she was also working. Id. In addition, he starting being unfaithful in their relationship, which made Ms. \*\*\*\* feel the same sense of worthlessness she had in her prior relationship with Mr. \*\*\*\*. Id.

On July 26, 2004, Ms. \*\*\*\* finally reached her breaking point and decided to confront Mr. \*\*\*\* about his infidelity. Exh. A. Mr. \*\*\*\* became verbally abusive towards Ms. \*\*\*\*, and eventually turned physically violent. See Exh. A; Exh. L; Exh. P. He began pushing Ms. \*\*\*\* with such forced that she lost her balance and fell on the bed. Id. While on the bed, Mr. \*\*\*\* proceeded to viciously strangle her. Id. When Ms. \*\*\*\* started having difficulty breathing, she became increasingly terrified for her life. Exh. A. She knew she would have to escape his grasp or else he was going to kill her. With that thought in mind, Ms. \*\*\*\* mustered the strength necessary to push Mr. \*\*\*\* off of her and escaped to the living room. Id. When she made it to the living room, she heard someone knocking on the door. Id. Her neighbor heard all the commotion and came to check on Ms. \*\*\*\*. Id. Ms. \*\*\*\* told her neighbor that Mr. \*\*\*\* had hit her, but before she could say any more, Mr. \*\*\*\* slammed the door shut. Id. Ms. \*\*\*\* rushed to the telephone so she could call the police, but Mr. \*\*\*\* grabbed the phone before she could dial the number. Id. He slammed Ms. \*\*\*\* against the wall and told her she could not call the police. Id. Fortunately, Ms. \*\*\*\* neighbor reported the incident, and the police arrived at Ms. \*\*\*\* and Mr. \*\*\*\*'s shared residence before any more harm could be done. Id.

As the victim of domestic violence, Ms. \*\*\*\* suffered immense physical abuse; however, the effects of the constant psychological and emotional abuse on Ms. \*\*\*\* have been the most dramatic, pronounced, and enduring. Exh. A; Exh. P; Exh. N; Exh. O; Exh. Q. Ms. \*\*\*\* lives in a constant state of fear and panic. She experiences frequent nightmares in which she dreams Mr. \*\*\*\* has returned to kill her. Exh. A; Exh. P. As a result, she has troubles sleeping at night and focusing throughout the day. Id. \*\*\*\* Suazo and Joshua Rose, Clinical Social Workers at Family Works Community Counseling, explain that the symptoms Ms. \*\*\*\* exhibit are clear signs of hypervigilance:

Hypervigilance is a typical trauma response...[that] involves a rapid scan of the situation, which then narrows to a highly focused level of attention if a potential threat is spotted...This symptom is manifested in Ms. \*\*\*\* when she checks and rechecks that the door of her home and car are locked, and scans her surroundings on all sides when in public... When shopping, if a man is walking in the same aisle Ms. \*\*\*\* moves to a more crowded area. The client is forgetful and writes herself reminders...She misplaces things and this frustrates her.

Exh. P. Furthermore, after completing their evaluation, Ms. Suazo and Mr. Rose have diagnosed Ms. \*\*\*\* with "severe" post-traumatic stress disorder (PTSD). Id. They

noted that everyday tasks and events trigger memories of Ms. \*\*\*\* past abuse, and affect her ability to function normally in society. Id.

In addition to suffering from PTSD and anxiety, Ms. \*\*\*\* also suffers from severe depression. Exh. A; Exh. P; Exh. N. She explains,

...I have suffered a lot and continue to suffer from this event... I am married now, but sometimes I think about what happened to me and I cannot be with my husband...I have trouble trusting people, and I do not make friendships because I am afraid to have people close...

Exh. A.

Ms. \*\*\*\* has not had contact with her abusers for many years now; nevertheless, the abuse she endured continues to affect her everyday life. Exh. A. She finds it difficult to confide in people because her trust had constantly been abused and taken for granted by people she loved in the past. Id. Moreover, Ms. Suazo and Mr. Rose note that:

...[S]he struggles with a poor appetite, weight loss, lethargy, and a loss of interest in activities she previously enjoyed. The client does not socialize and does not have friends because she is afraid to go out alone. Consequently, she does not have an emotional support system.

Exh. P.

Ms. \*\*\*\*'s mental and physical health has been deeply affected by her abuse. She continues to suffer from the psychological trauma she endured, and this has had a direct impact on her current relationships and overall happiness. Exh. A; Exh. P. Furthermore, she now lives with severe and debilitating mental disorders (hypervigilance, depression, and PTSD), which affect her everyday life and of which she has no control over. Id. The years of abuse Ms. \*\*\*\* suffered have had lasting and profound effects on Ms. \*\*\*\*'s quality of life and the life of her family.

#### Eligibility for a Waiver Under INA §212(d)(14)

Although Ms. \*\*\*\* unlawfully entered the United States without inspection on two occasions (1989 and 2001), has been living in the United States for over one year, has been convicted of California Welfare and Institutions Code § 10980(c)(2), and therefore may be inadmissible under INA §212(a)(2), 212(a)(6)(A), 212(a)(9)(B) and 212(a)(9)(C), she is eligible for a waiver under INA §212(d)(14). She warrants such a waiver in the exercise of discretion, and the grant of a waiver is in the public and national interest.

Ms. \*\*\*\* has resided in the country for approximately 25 years, has United States citizen children who are dependent on her, and has shown herself to be a hard-working

woman of excellent moral character. Exh. A; Exh. C (Declaration of Mr. \*\*\*\*); Exhs. F-J (Birth Certificates of United States citizen children); Exh. R (Letter from \*\*\*\*)(evidencing that Ms. \*\*\*\* and her family attends church); Exh. V (Copy of drawing by Ms. \*\*\*\*'s daughter of their family); Exh. Y (Letter from \*\*\*\*)(“ \*\*\*\* \*\*\*\* has demonstrated that she is of good character”); Exh. Z (Letter from \*\*\*\*)(“ I...have known \*\*\*\* for 25yrs plus, I can say to the best of my knowledge that she is a trust worthy person. We have lived together in the past and she is always very responsible with both her rent payment and with her children and responsibilities”); Exh. BB (Letter from \*\*\*\*)(“ I have known \*\*\*\* \*\*\*\* for more than 12 years. \*\*\*\* \*\*\*\* is a great mother, a great friend, a very good person”); Exh. CC (Letter from \*\*\*\*)(“ \*\*\*\* has been a very supportive and active parent at our school...She takes initiative to inquire about her children and comes to the school request[ed] meetings with their teacher and me”).

\*\*\*\* Torres describes Ms. \*\*\*\*,

I...have known \*\*\*\* for more than 20yrs. I can say in my full knowledge that she is a person that is very trust worthy. She has helped me in the care of my children at times and would not doubt for one second to leave my children in her care.

Exh. AA (Letter from \*\*\*\* Torres).

\*\*\*\*also attests,

I have known \*\*\*\* \*\*\*\* for the past five years and during that time I have witnessed her participate actively in many activities and excel in performing the duties of a mother to her children... \*\*\*\* Antonia \*\*\*\* has demonstrated that she is both of good character and trustworthy, as I have on several occasions depended on her.

Exh. U (Letter from \*\*\*\*).

Ms. \*\*\*\*'s son states,

My mom has been taking care of us for 14 years. She has given me everything I need (clothing, shoe[s], phone, etc.) My mom has been a very good & perfect mom my whole life.

Exh. W (Letter from \*\*\*\*).

Ms. \*\*\*\*'s daughter also describes the importance of her mother and Mr. \*\*\*\* in her life.

My mom is a good parent and has [been] for the past 15 years. My mom buys me everything I need, and supports me in my school and personal needs. My step-dad (though I don't consider him my step-dad but more

my real dad) is also a really cool guy. He has been taking care of us since I was 9 years old.

Exh. X.

Since her entry in 1989 as a child, Ms. \*\*\*\* has only left the United States once. Exh. A. In February of 2001, she briefly went to \*\*\*\* to visit her son \*\*\*\*, who was living with Ms. \*\*\*\*'s abusive ex-partner. Id.

While Ms. \*\*\*\* does have one conviction for California Welfare and Institutions Code § 10980(c)(2), Ms. \*\*\*\* has complied with all court requirements and continues to make her monthly payments. Exh. FF (Copies of payments to San Mateo County Revenue Service); Exh. GG (Copy of Summary from County of San Mateo Sheriff's Work Program); Exh. HH (Docket Sheet). Regarding her conviction, Ms. \*\*\*\* explains,

I am very sorry that I did anything wrong. I still do not understand how the error was made. During all the time that I received the money, I really thought I was only receiving child support and food stamp money for my children...

During my meeting with the lawyer assigned to my case, the lawyer told me that the documents showed that I was guilty of the charge. The lawyer told me that if I did not plead guilty that I would go to jail and they would take my children away from me. I was so scared. My children are my life. I have suffered much, and I did not want my children to suffer. I could only think of the consequences for my children if I did not plead guilty to the charges as my lawyer suggested.

Exh. A. See also Exh. K (Copy of Judgment Regarding Parental Obligations, evidencing that \*\*\*\* was ordered to pay Ms. \*\*\*\* child support for \*\*\*\*).

In addition, Ms. \*\*\*\* requires additional counseling to recover from the years of abuse she endured as a victim of domestic violence; thus, it is important that she remain in the United States, a country in which domestic violence therapy is assessable and affordable, so that she can receive this much needed treatment in the future. Exh. P. Furthermore, Ms. \*\*\*\*'s children would suffer extreme hardship if she were not allowed to remain in the United States, as she is their support. Exh. A; Exh. C; Exhs. F-J; Exhs. R-CC.

Ms. \*\*\*\* explains,

I need to stay in the United States because my life is here. I have lived in the United States since I was 11 years old. I suffered domestic violence for many years. I suffer from depression. However, I want to have a good life for my children and for me. I want to finish school. I work hard and I have paid taxes every year that I have worked. I have five United States



citizen children. The oldest child that lives with me is 15 years old and the youngest is 1 ½ years old...

I do not know \*\*\*\*. However, I know that there is a lot of violence in \*\*\*\*. I fear for my safety and the safety of my children if I cannot stay in the United States. My children will not have the opportunities for good education and medical care if we have to go to \*\*\*\*.

Exh. A.

Her fears are not unfounded. Exh. II (U.S. Department of State Report, \*\*\*\* 2013 Human Rights Report).

Mr. \*\*\*\* is also deserving of a waiver under INA § 212(d)(14). He is a caring husband and father. Exh. A (I met my current husband \*\*\*\* in February of 2006. He is a good man. It took me awhile to tell my current husband what happened to me, and I would react to strange things and he did not understand. He now knows and he supports me..."); Exh. X ("My step-dad (though I don't consider him my step-dad but more my real dad) is also a really cool guy. He has been taking care of us since I was 9 years old.").

Mr. \*\*\*\* explains,

I want to stay in the United States for many reasons. Most importantly, my children and wife are here. There is a lot of violence and killings in \*\*\*\*. It would not be safe for us there. Currently, I am the only one who financially supports our family. I could not find work in \*\*\*\* to support our children. It is very important to me that my children have the educational opportunities that they have here in the United States and would not have in \*\*\*\*. I want my children to go to good colleges. I ask that I be allow to stay in the United States with my wife and children.

Exh. C.

For all the above reasons, Ms. \*\*\*\* respectfully requests that her application for a U nonimmigrant visa be approved. It is in the national and public interest that USCIS waive the grounds of inadmissibility, in light of the attached petition for U nonimmigrant status.

Thank you for your assistance in this matter. If additional information is needed, please do not hesitate to contact me at (650) 326-6440.

Sincerely,

Applicant: \*\*\*\*, \*\*\*\*  
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Kaitlin Kalna Darwal  
Community Legal Services in East Palo Alto

Enclosures

cc: Ms. \*\*\*\* \*\*\*\*